

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DANIEL DURLAND,)	CASE NO. 7:12CV00317
)	
Petitioner,)	
v.)	FINAL ORDER
)	
)	
C. ZYCH, WARDEN,)	By: Glen E. Conrad
)	Chief United States District Judge
Respondent.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that respondent's motion to dismiss (ECF No. 5) is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, is **DISMISSED**; petitioner's motion to compel a decision on his petition (ECF No. 9) is **DISMISSED** as moot; and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 3rd day of April, 2013.

/s/ Glen E. Conrad
Chief United States District Judge